

HONORABLE RICHARD A. JONES

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

BRIAN JOHNSON, et al, on behalf of
themselves and all others similarly situated,

No. CV 06-0900 RAJ

Plaintiffs,

**PLAINTIFF CHARLES ELLIS –
NOTICE OF APPEAL**

V.

MICROSOFT CORPORATION,
a Washington corporation,

Defendant.

Plaintiff Charles Ellis hereby appeals to the United States Court of Appeals for the Ninth Circuit from the following Orders and Judgments:

1. Order and Judgment granting Defendant's Motion for Summary Judgment to dismiss his breach of contract claims, entered in this action on June 23, 2009;

2. Order denying Plaintiff Charles Ellis' Motion for Summary Judgment against Microsoft on his breach of contract claims, entered in this action on June 23, 2009;

The above identified Orders and Judgment were made final and appealable by the Order dismissing with prejudice the claims of Charles Ellis, entered on September 2, 2009.

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2 DATED this 30th day of September, 2008.
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4 By /s
Alan Himmelfarb
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REPRESENTATION STATEMENT

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3 Pursuant to Federal Rule of Appellate Procedure 12(b) and Circuit Rule 3-2(b), the
4 following are the parties to this action, along with the names, addresses and telephone numbers
5 of their respective counsel.

6 ***Name and Address of Counsel*** ***Represented Party***

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NOTICE OF APPEAL
CASE NO. CV06_0900 RAJ

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PROOF OF SERVICE(JOHNSON, *et al.*, v. MICROSOFT CORP., No. C06-0900 RAJ)

I am a resident of the State of California, and over the age of 18, and not a party to within action; my business address is 2757 Leonis Blvd, Vernon, CA 90058.

On September 30, 2009, I filed the foregoing with the Clerk of the Court using CM/ECF system which will send notification of such filing to the following:

Addressee	Represent	Service
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Executed on September 30, 2009 at Los Angeles, California.

/s/
Alan Himmelfarb